

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROY DEN HOLLANDER,

Plaintiff,
-against-

DEBORAH SWINDELLS DONOVAN, PAUL W.
STEINBERG, and JANE DOE.

Defendants.

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MEMORANDUM AND ORDER
No. 08-CV-4045 (FB) (LB)

Appearance:

For the Plaintiff:

ROY DEN HOLLANDER, ESQ., *pro se*
545 East 14th St. Apt. 10D
New York, NY 10009

For the Defendant Deborah Swindells

Donovan:
JOSHUA S. HURWIT, ESQ.
GORDON & REES LLP
90 Broad Street, 23rd Floor
New York, NY 10004

For the Defendant Paul W. Steinberg:

PAUL W. STEINBERG, ESQ., *pro se*
14 East Fourth Street
New York, NY 10012-1141

BLOCK, Senior District Judge:

The Court hereby informs the parties that it intends to treat defendants' motion to dismiss as a motion for summary judgment under Fed. R. Civ. P. 56. The parties shall submit to the Court all pertinent materials by December 18, 2009, including materials addressing whether the defendants' use of plaintiff's works is protected under the fair use doctrine. *See NXIVM Corp. v. Ross Institute*, 364 F.3d 471, 476 (2d Cir. 2004) (discussing statutory defense of fair use under 17 U.S.C. § 107).

Defendants shall notify plaintiff of Court's determination pursuant to Local Rule

12.1.

SO ORDERED.

FREDERIC BLOCK
Senior United States District Judge

Brooklyn, NY
November 18, 2009